

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL No. 3:14-cr-87-HTW-FKB

v.

SARAH ADELIA GRAVES

GOVERNMENT'S MOTION TO CONTINUE DETERMINATION OF RESTITUTION

COMES NOW the United States, by and through the undersigned attorney, and hereby requests that the Court order restitution in this case pursuant to the Mandatory Victims Restitution Act (MVRA), but continue the determination of the amount of restitution until all of the information about the victim's losses can be ascertained. In support of this motion the Government states as follows:

1. The MVRA provides that when sentencing a defendant convicted of a crime of violence, the court shall order that the defendant make restitution to victim(s) of the offense, or if the victim is deceased, to the victim's estate. 18 U.S.C. § 3663A.
2. The MVRA further states that "if the victim's losses are not ascertainable by the date that is 10 days prior to sentencing," the court "shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing."¹ 18 U.S.C. § 3664(d)(5).

¹ In light of the Supreme Court's decision in Dolan v. United States, 130 S.Ct. 2553 (2010), the Government will request that the Court order restitution at the sentencing hearing, but delay determination of the amount. In Dolan, the Supreme Court held that a sentencing court that misses the MVRA's 90-day deadline to make final determination of victim's losses and impose restitution nonetheless retains the power to order restitution, at least where that court made clear prior to the deadline's expiration that it would order restitution, leaving open for more than 90 days only the amount. Dolan, 130 S.Ct at 2537.

3. Here, the defendant has been convicted of conspiracy to commit a crime of violence making restitution mandatory. The victim's losses are not yet "ascertainable" as of the date of this filing because the Government is awaiting further information regarding the losses suffered by the victim. Specifically, it appears that the defendant is liable for the victim's lost future wages in addition to other losses, and the Government is in the process of determining that amount.

WHEREFORE, the Government respectfully requests that the court order restitution in this case pursuant to the Mandatory Victims Restitution Act, but continue the determination of the amount of restitution to be paid until all of the information about the victim's losses can be ascertained.

Respectfully submitted,

GREGORY K. DAVIS
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CERTIFICATE OF SERVICE

I hereby certify that this day, I caused to be electronically filed the foregoing with the Clerk of the Court using the Electronic Case Filing system (ECF), which served to send notification of this filing to counsel of record.

This the 6th day of April, 2015.

/s/ Glenda R. Haynes
GLEND A. R. HAYNES
Assistant United States Attorney